UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,197	05/31/2001	L. Jeffrey Kapner III	K35A0807	1905

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WESTERN DIGITAL CORP.
20511 LAKE FOREST DRIVE
C205 - INTELLECTUAL PROPERTY DEPARTMENT
LAKE FOREST, CA 92630

EXAMINER
AKLILU, KIRUBEL

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/872,197	KAPNER ET AL.
	Examiner	**Art Unit**	
	Kirubel Aklilu	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2001*.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: There appears to

be a typographical error where "The Client terminal of **claim 6**" is suppose to be "The

Client terminal of **claim 5**". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1, 5-9, 13-17**, and **21-24** are rejected under 35 U.S.C. 102(e) as being

anticipated by Jerding (U.S. Patent # 6,463,586).

1. As for **Claim 1**, Jerding teaches a client terminal connectable to a head end and

a display device (see fig. 1 unit 10 Terminal and unit 14 Headend and fig.2 unit 30

Display Device, col. 5 lines 16-34 "With reference to FIG. 1A a terminal 10 in

accordance with the present invention is provided as a part of a television system 12

which includes a **headend 14** for receiving satellite television signals, demodulating

the signals down to a baseband, and transmitting the signals over the system 12. . . .

The terminals 10 may comprise or be an integral component of a home

communication terminal (HCT), a television, a video cassette recorder (VCR), a

computer, or other suitable device, in accordance with the present invention." And

col. 5 lines 41-50 "the terminal 10 may be integrated into a device that includes a

display 30, such as a television set or personal computer"), the head end provides

program guide information including first program data associated with a first

program and second program data associated with a second program (see col. 6

lines 17-23 "The program information may include program guide information that is

displayed to the subscriber in the format of a program guide listing of the channels

by channel number, the respective programs for viewing on each the channel, and

the times at which the programs are shown." And fig. 7 unit 160 and 162, fig. 8 unit

168 and col. 11 lines 19-33 "Accordingly, illustrated in FIG. 7 is a service browseable

listing 160 that includes service logo and short description. The service listing 160 is

presented to the subscriber when the subscriber enters the particular browse mode,

as discussed above.". The logos and brief descriptions associated with any of the

two channels (for example, A&E Arts & Entertainment and BRAVO BRAVO!

NETWORK) are interpreted to be first program data associated with a first program

and second program data associated with a second program.), the client terminal

comprising:

a channel input interface to receive the program guide information (see fig. 2 unit 32 Communications Interface/Tuner col. 5 lines 55-65 "The communications interface 32 receives the signals, which can include video, audio, and data information, transmitted over the television system 12, 12', and for providing reverse information over the television system 12, 12' for transmission back to the headend 14, 14'. The communication interface 32 preferably includes a tuner for accessing or tuning particular program services to be displayed by the display device 30.");

a user interface to receive a first input and a second input (see fig. 2 unit 40 Transmitter col. 6 lines 3-10 "The user input device 40 can be any suitable device such as a hand-held remote control device or a wireless keyboard which can generate, for instance, infrared signals that are received by receiver 38. Preferably, the user input device 40 includes buttons or keys that can be selectively actuated by the subscriber for generating user inputs or command recognizable by terminal 10"); and

a terminal controller responsive to an on screen display (OSD) control program for (see fig. 2 unit 36 Processor col. 5 lines 65-67 "The processor 36 controls operation of the terminal 10 and drives the display device 30."):

a. displaying channel identifiers on the display device (see fig. 5 unit 120 information banner col. 9 line 48 – col. 10 line 6 "FIG. 5 illustrates the presentation of an information banner 120 which can be presented simultaneously with a tuned program 122, whereby a portion of the tuned

program is subservient to the information banner 120. . . . The information

banner 120 preferably includes service information 124, such as a logo image

126, a short description 128, and a channel number 130. In addition, the

information banner 120 may include program information 132 and the beginning

and ending times 134 of the tuned program 122.". The information banner is

interpreted to be a channel identifier);

b. selecting one of the channel identifiers in response to the first input (see fig. 5

unit 136 Browser col. 10 lines 7-65 "A browse indicator 136 of the information

banner 120 may be displayed to indicate to the subscriber that the browse mode is

activated and that browsing can be performed according to the current ordering

scheme of program services. . . . The subscriber may enter the browse mode by

inputting a command via the user input device 40, such as by selecting an arrow key

110 thereby causing the browse indicator 136 to appear. Once activated, the

browse mode allows the subscriber to browse the program services by activating the

scrolling keys 110, without changing the tuned program 122."); and

c. displaying a pop-up for the selected channel identifier on the display device

(see fig. 6 unit 140 col. 10 lines 43-65 "with reference to FIG. 6, a subscriber may

select the browse key 106 of the user input device 40 in order to enter an ordering

scheme selection mode in which the subscriber may select an ordering scheme for

browsing services. Upon selecting the browse key 106, **a menu 140** may be

presented in conjunction with the information banner 120. While the menu 140 is

illustrated as a **pop-up** menu in FIG. 6 . . ." Menu 140 is a pop-up menu that is

displayed in response to a user selecting the browser channel identifier.);

    d. wherein:

        i. the pop-up displays the first program data associated with the first

program in response to the first input (see fig. 7 unit 160 col. 11 lines 19-33

"Accordingly, illustrated in FIG. 7 is a service browseable listing 160 that

includes service logo and short description. The service listing 160 is

presented to the subscriber when the subscriber enters the particular browse

mode, as discussed above. For example, the user may select the enter key

112 so as to cause the terminal 10 to enter into browse mode and to cause

the service listing 160 to be presented. The subscriber may then utilize the

activation keys 110 to scroll through the listing of services provided by the

service listing 160, wherein the scrolling cursor is identified by a selection box

162. While scrolling through the service listing 160, the subscriber may select

the highlighted service by pressing the enter key 112. Upon doing so, the

display 122 will change to that selected by the subscriber." And fig. 5 unit 132

program information col. 9 line 65 – col. 10 line 6 "The information banner 120

preferably includes service information 124, such as a logo image 126, a

short description 128, and a channel number 130. In addition, the information

banner 120 may include program information 132 and the beginning and

ending times 134 of the tuned program 122.". When the user selects a

highlighted service, the display 122 will change along with the program

information 132. Program information 132 is interpreted to be the first

program data associated with the first program, and the first input is the user

selecting the highlighted service from unit 160 of fig.7) and the user interface

receives the second input while the pop-up is displaying the first program data

(When the user selects another service from the service listing of unit 160, it

is interpreted as a second input while the pop-up is still displaying the first

program data); and

ii. the pop-up displays the second program data associated with the

second program in response to the second input (When the user selects another

service from the service listing of unit 160 and display 122 changes along with

program information 132 as described above, it is interpreted that the pop-up

displays the second program data associated with the second program in

response to the second input.).

2. As for **Claim 5**, Jerding teaches the program guide information displayed in the

pop-up includes a channel number, a channel identifier, and a program time (see

col. 9 line 65- col. 10 line 3 "The information banner 120 preferably includes service

information 124, such as a logo image 126, a short description 128, and a channel

number 130. In addition, the information banner 120 may include program

information 132 and the beginning and ending times 134 of the tuned program

122.").

3. As for **Claim 6**, Jerding teaches the program guide information displayed in the pop-up further includes a description of the program (see col. 9 line 65- col. 10 line 3 "The information banner 120 preferably includes service information 124, such as a logo image 126, **a short description 128**, and a channel number 130. In addition, the information banner 120 may include program information 132 and the beginning and ending times 134 of the tuned program 122.").

4. As for **Claim 7**, Jerding teaches the channel identifiers represent music channels (see fig. 12 unit 184 MTV Music Television. The MTV logo and channel name ("MTV") are interpreted to be channel identifiers of a music channel).

5. As for **Claim 8**, Jerding teaches the client terminal displays predetermined channel identifiers in a predetermined order set by the user (see col. 3 lines 11-19 "The present invention enables the user to select an ordering scheme of services for browsing as opposed to the system operator defining the ordering scheme. This provides for service navigation in a manner that is not only familiar to the subscriber, but more powerful and extensible than mere channel number navigation. In particular, the subscriber may select from two or more predefined ordering schemes that will enable the user to individually select a preferred scheme for navigating the available services.").

6. As for **Claim 9**, the limitations of Claim 9 fall within the limitation of Claim 1.

Claim 9 further requires a computer program embodied in a computer readable

storage medium (see fig. 2 unit 46 Navigator col. 6 lines 36-63 "A navigator 46 in

accordance with an embodiment of the present invention is preferably stored in

memory 42 as computer program code for execution by processor 36. The

navigator 46 includes a controller 48, a user interface 50, and a searcher 52. The

navigator 46 provides the functionality for providing efficient, flexible and user-

friendly browsing by the subscriber.") for use in a client terminal and the computer

program comprising code segments (see col. 6 lines 36-39 "A navigator 46 in

accordance with an embodiment of the present invention is preferably stored in

memory 42 as computer program code for execution by processor 36." It is

interpreted that the computer program code inherently comprises code segments).

7. As for **Claim 13**, the limitations of Claim 10 fall within the limitations of Claim 5.

Claim 13 is analyzed and rejected accordingly. Claim 13 further requires code

segments. Jerding teaches code segments for carrying out the limitation of the

claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of

the present invention is preferably stored in memory 42 as computer program code

for execution by processor 36. The navigator 46 includes a controller 48, a user

interface 50, and a searcher 52. The navigator 46 provides the functionality for

providing efficient, flexible and user-friendly browsing by the subscriber . . .")

8. As for **Claim 14**, the limitations of Claim 14 fall within the limitations of Claim 6. Claim 14 is analyzed and rejected accordingly. Claim 14 further requires code segments for carrying out the limitation. Jerding teaches code segments for carrying out the limitation of the claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of the present invention is preferably stored in memory 42 as computer program code for execution by processor 36. The navigator 46 includes a controller 48, a user interface 50, and a searcher 52. The navigator 46 provides the functionality for providing efficient, flexible and user-friendly browsing by the subscriber . . .")

9. As for **Claim 15**, the limitations of Claim 15 fall within the limitations of Claim 7. Claim 15 is analyzed and rejected accordingly. Claim 15 further requires code segments for carrying out the limitation. Jerding teaches code segments for carrying out the limitation of the claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of the present invention is preferably stored in memory 42 as computer program code for execution by processor 36. The navigator 46 includes a controller 48, a user interface 50, and a searcher 52. The navigator 46 provides the functionality for providing efficient, flexible and user-friendly browsing by the subscriber . . .")

10. As for **Claim 16**, the limitations of Claim 16 fall within the limitations of Claim 8. Claim 16 is analyzed and rejected accordingly. Claim 16 further requires code

segments for carrying out the limitation. Jerding teaches code segments for carrying out the limitation of the claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of the present invention is preferably stored in memory 42 as computer program code for execution by processor 36. The navigator 46 includes a controller 48, a user interface 50, and a searcher 52. The navigator 46 provides the functionality for providing efficient, flexible and user-friendly browsing by the subscriber . . .")

11. As for **Claims 17, and 21-24**, Claims 17 and 21-24 are method claims with reference to Claims 1 and 5-8. The limitations of Claims 17 and 21-24 fall within the limitations of Claims 1 and 5-8. Therefore, Claims 17 and 21-24 are analyzed with respect to Claims 1 and 5-8 and are rejected accordingly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **2-4, 10-12,** and **18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding (U.S. Patent # 6,177,931) in view of Alexander et al. (U.S. Patent # 6,463,586).

12.   As for **Claim 2**, Jerding does not expressly teach the pop-up includes a next

icon, such that the second input selects the next icon resulting in the display of

second program data that is associated with a second program that occurs after the

first program. However, Alexander et al. teach a user selecting an input resulting in

the display of a second program data that is associated with a second program that

occurs after a first program. See Alexander et al. fig. 1 unit 22 and fig. 2 units 28,

30, 34, and 32 col. 4 lines 49-56 "From window 12, 14, or 16 the viewer moves to

grid guide 22 by pressing arrow key 32. (From grid guide 22 the viewer moves to

window 12, 14, or 16 by pressing arrow key 34.) In grid guide 22 the viewer moves

cursor 36 to highlight one of the nine tiles in which channel and title are displayed by

pressing arrow keys 28 and 30. The viewer can view program listings scheduled

at future times by pressing keys 32 or 34 to move horizontally about the Grid."

Cursor 36 is interpreted to be a next icon when the user presses right key 32 to view

the program listings schedule for the future time. When a user presses key 32 to

view the program listing of programs to be transmitted in the future, this is

interpreted as a second input selecting a next icon resulting in the display of a

second program data that is associated with a second program that occurs after the

first program. The first program is interpreted to be a program that is scheduled to

be shown before the second program. In light of the teaching of Alexander et al., it

would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teaching of Jerding to have the pop up include a next icon

such that a second input selects the next icon resulting in the display of a second

program data that is associated with a second program that occurs after the first

program. One of ordinary skill in the art at the time the invention was made would

have been motivated to do this in order to provide the subscriber with an option to

see the schedule of programs that are going to be shown after the occurrence of a

first program.

13. As for **Claim 3**, Jerding does not expressly teach the pop-up includes a

previous icon, such that the second input selects the previous icon resulting in the

display of second program data that is associated with a second program that

occurs before the first program. However, Alexander et al. teach a user selecting an

input resulting in the display of a second program data that is associated with a

second program that occurs before a first program. See Alexander et al. fig. 1 unit

22 and fig. 2 units 28, 30, 34, and 32 col. 4 lines 49-56 "From window 12, 14, or 16

the viewer moves to grid guide 22 by pressing arrow key 32. (From grid guide 22

the viewer moves to window 12, 14, or 16 by pressing arrow key 34.) In grid guide

22 the viewer moves cursor 36 to highlight one of the nine tiles in which channel and

title are displayed by pressing arrow keys 28 and 30. The viewer can view program

listings scheduled at future times by pressing keys 32 or 34 to move horizontally

about the Grid." Cursor 36 is interpreted to be a previous icon when the user

presses left key 34 to view the program listings schedule for a program that is

currently being shown after seeing a program listing of a program that is to be shown

in future time. When a user presses key 34 to view the program listing of programs

currently being transmitted after seeing a schedule of a show to be transmitted in the

future, this is interpreted as a second input selecting a previous icon resulting in the

display of a second program data that is associated with a second program that

occurs before the first program. The first program is interpreted to be a program that

is scheduled to be shown after the second program. In light of the teaching of

Alexander et al., it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the teaching of Jerding to have the pop up

include a previous icon such that a second input selects the previous icon resulting

in the display of a second program data that is associated with a second program

that occurs before the first program. One of ordinary skill in the art at the time the

invention was made would have been motivated to do this in order to provide the

subscriber with an option to easily navigate through program listing of programs that

are currently being shown and programs that are going to be shown in the near

future.

14. As for **Claim 4**, Jerding does not expressly teach the pop-up includes a record

icon such that the second input selects the record icon resulting in the recording of

the first program in a local memory. However, Alexander et al. teach an electronic

program guide that includes a record icon, whereupon when a user selects the

record icon records a program in local memory. See Alexander et al. fig. 1 unit 46

Record col. 7 lines 58- col. 8 line 2 "In the Record Selection Function, also referred

to as the Recording Function, the viewer instructs the EPG what programs to add to the Record List, which is the list of programs and related programming schedule information, for programs that the viewer want to have recorded. As is further described below, the viewer can identify the frequency/regularity with which the viewer wants to record each program listed in the Record List. The viewer can enter the Recording Function in a number of ways. The viewer can press the "Record" key, if there is one, on the viewer's remote control device. Alternatively, the viewer can "press" a "Record" action button on the EPG display." Alexander et al. does not expressly teach storing the recorded program in local memory. However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of recording in a local memory are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have the recording be stored in a local memory in order to have a faster access to the recorded program. In light of the teaching of Alexander et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Jerding to have the pop-up include a record icon, such that the second input selects the record icon resulting in the recording of the first program. One of ordinary skill in the art would have been motivated to do this in order to provide the user with an option to record a program that is currently being watched so the user may watch the recorded program at a time that is more convenient.

15. As for **Claim 10**, Jerding teaches code segments for displaying the limitations of Claim 10 fall within the limitations of Claim 2. Claim 10 is analyzed and rejected accordingly. Claim 10 further requires code segments for carrying out the limitation of the claim. Jerding teaches code segments for carrying out the limitation of the claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of the present invention is preferably stored in memory 42 as computer program code for execution by processor 36. The navigator 46 includes a controller 48, a user interface 50, and a searcher 52. The navigator 46 provides the functionality for providing efficient, flexible and user-friendly browsing by the subscriber . . .")

16. As for **Claim 11**, the limitations of Claim 11 fall within the limitations of Claim 3. Claim 10 is analyzed and rejected accordingly. Claim 11 further requires code segments. Jerding teaches code segments for carrying out the limitation of the claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of the present invention is preferably stored in memory 42 as computer program code for execution by processor 36. The navigator 46 includes a controller 48, a user interface 50, and a searcher 52. The navigator 46 provides the functionality for providing efficient, flexible and user-friendly browsing by the subscriber . . .")

17. As for **Claim 12**, the limitations of Claim 12 fall within the limitations of Claim 4. Claim 12 is analyzed and rejected accordingly. Claim 12 further requires code segments. Jerding teaches code segments for carrying out the limitation of the

claim (see col. 6 lines 36-63 "A navigator 46 in accordance with an embodiment of

the present invention is preferably stored in memory 42 as computer program code

for execution by processor 36. The navigator 46 includes a controller 48, a user

interface 50, and a searcher 52. The navigator 46 provides the functionality for

providing efficient, flexible and user-friendly browsing by the subscriber . . .")

18. As for Claims **18-20**, Claims 18-20 are method claims with reference to Claims

2-4. The limitations of Claims 18-20 fall within the limitations of Claims 2-4.

Therefore, Claims 18-20 are analyzed with respect to Claims 2-4 and are rejected

accordingly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent # 6,505,348 Knowles et al teach a multiple interactive program guide

that provides different program guides to several different users that use the same

terminal.

U.S. Patent # 6,453,471 Klosterman teaches an electronic program guide that

displays a video preview of a selected program in the display screen.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-

7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on 571-272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KA

3/30/05

NGOC-YEN VU
PRIMARY EXAMINER